

1 AN ACT in relation to alcoholic liquor.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Liquor Control Act of 1934 is amended by
5 changing Section 6-2 as follows:

6 (235 ILCS 5/6-2) (from Ch. 43, par. 120)

7 Sec. 6-2. Issuance of licenses to certain persons
8 prohibited.

9 (a) Except as otherwise provided in subsection (b), no
10 license of any kind issued by the State Commission or any local
11 commission shall be issued to:

12 (1) A person who is not a resident of any city, village
13 or county in which the premises covered by the license are
14 located; except in case of railroad or boat licenses.

15 (2) A person who is not of good character and
16 reputation in the community in which he resides.

17 (3) A person who is not a citizen of the United States.

18 (4) A person who has been convicted of a felony under
19 any Federal or State law, unless the Commission determines
20 that such person has been sufficiently rehabilitated to
21 warrant the public trust after considering matters set
22 forth in such person's application and the Commission's
23 investigation. The burden of proof of sufficient
24 rehabilitation shall be on the applicant.

25 (5) A person who has been convicted of being the keeper
26 or is keeping a house of ill fame.

27 (6) A person who has been convicted of pandering or
28 other crime or misdemeanor opposed to decency and morality.

29 (7) A person whose license issued under this Act has
30 been revoked for cause.

31 (8) A person who at the time of application for renewal
32 of any license issued hereunder would not be eligible for

1 such license upon a first application.

2 (9) A copartnership, if any general partnership
3 thereof, or any limited partnership thereof, owning more
4 than 5% of the aggregate limited partner interest in such
5 copartnership would not be eligible to receive a license
6 hereunder for any reason other than residence within the
7 political subdivision, unless residency is required by
8 local ordinance.

9 (10) A corporation, if any officer, manager or director
10 thereof, or any stockholder or stockholders owning in the
11 aggregate more than 5% of the stock of such corporation,
12 would not be eligible to receive a license hereunder for
13 any reason other than citizenship and residence within the
14 political subdivision.

15 (10a) A corporation unless it is incorporated in
16 Illinois, or unless it is a foreign corporation which is
17 qualified under the Business Corporation Act of 1983 to
18 transact business in Illinois.

19 (11) A person whose place of business is conducted by a
20 manager or agent unless the manager or agent possesses the
21 same qualifications required by the licensee.

22 (12) A person who has been convicted of a violation of
23 any Federal or State law concerning the manufacture,
24 possession or sale of alcoholic liquor, subsequent to the
25 passage of this Act or has forfeited his bond to appear in
26 court to answer charges for any such violation.

27 (13) A person who does not beneficially own the
28 premises for which a license is sought, or does not have a
29 lease thereon for the full period for which the license is
30 to be issued.

31 (14) Any law enforcing public official, including
32 members of local liquor control commissions, any mayor,
33 alderman, or member of the city council or commission, any
34 president of the village board of trustees, any member of a
35 village board of trustees, or any president or member of a
36 county board; and no such official shall have a direct

1 ~~interest be interested directly~~ in the retail manufacture,
2 ~~sale, or distribution~~ of alcoholic liquor, except that a
3 license may be granted to such official in relation to
4 premises that are not located within the territory subject
5 to the jurisdiction of that official if the issuance of
6 such license is approved by the State Liquor Control
7 Commission and except that a license may be granted, in a
8 city or village with a population of 50,000 or less, to any
9 alderman, member of a city council, or member of a village
10 board of trustees in relation to premises that are located
11 within the territory subject to the jurisdiction of that
12 official if (i) the sale of alcoholic liquor pursuant to
13 the license is incidental to the selling of food, (ii) the
14 issuance of the license is approved by the State
15 Commission, (iii) the issuance of the license is in
16 accordance with all applicable local ordinances in effect
17 where the premises are located, and (iv) the official
18 granted a license does not vote on alcoholic liquor issues
19 pending before the board or council to which the license
20 holder is elected. Notwithstanding any provision of this
21 paragraph (14) to the contrary, an alderman or member of a
22 city council or commission, a member of a village board of
23 trustees, other than the president of the village board of
24 trustees, or a member of a county board, other than the
25 president of a county board, may have a direct interest in
26 the manufacture or distribution of alcoholic liquor,
27 provided that he or she is not a law enforcing public
28 official or a mayor.

29 (15) A person who is not a beneficial owner of the
30 business to be operated by the licensee.

31 (16) A person who has been convicted of a gambling
32 offense as proscribed by any of subsections (a) (3) through
33 (a) (11) of Section 28-1 of, or as proscribed by Section
34 28-1.1 or 28-3 of, the Criminal Code of 1961, or as
35 proscribed by a statute replaced by any of the aforesaid
36 statutory provisions.

1 (17) A person or entity to whom a federal wagering
2 stamp has been issued by the federal government, unless the
3 person or entity is eligible to be issued a license under
4 the Raffles Act or the Illinois Pull Tabs and Jar Games
5 Act.

6 (18) A person who intends to sell alcoholic liquors for
7 use or consumption on his or her licensed retail premises
8 who does not have liquor liability insurance coverage for
9 that premises in an amount that is at least equal to the
10 maximum liability amounts set out in subsection (a) of
11 Section 6-21.

12 (b) A criminal conviction of a corporation is not grounds
13 for the denial, suspension, or revocation of a license applied
14 for or held by the corporation if the criminal conviction was
15 not the result of a violation of any federal or State law
16 concerning the manufacture, possession or sale of alcoholic
17 liquor, the offense that led to the conviction did not result
18 in any financial gain to the corporation and the corporation
19 has terminated its relationship with each director, officer,
20 employee, or controlling shareholder whose actions directly
21 contributed to the conviction of the corporation. The
22 Commission shall determine if all provisions of this subsection
23 (b) have been met before any action on the corporation's
24 license is initiated.

25 (Source: P.A. 92-378, eff. 8-16-01; 93-266, eff. 1-1-04.)

26 Section 99. Effective date. This Act takes effect upon
27 becoming law.